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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 **IVAN VERNARD CLEVELAND,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.
20

C 07-2809 JF (PR)

**DECLARATION OF
KENNETH T. ROOST IN
SUPPORT OF DEFENDANTS'
MOTION FOR EXTENSION
OF TIME TO FILE
DISPOSITIVE MOTION**

21 I, Kenneth T. Roost, declare:

22 1. I am a Deputy Attorney General in the California Attorney General's Office, counsel of
23 record for Defendants Sather, Abanico, Curry, and Crawford (Defendants) in this matter. I am
24 competent to testify to the matters set forth in this declaration, and if called upon by this Court,
25 would do so. I submit this declaration in support of Defendants' request for an extension of time
26 to file a dispositive motion.

27 2. Defendants' counsel completed two dispositive motions this January, and is preparing
28 two summary-judgment motions due in February. Because of this extra case work, counsel needs

Decl. Roost Supp. Defs.' Mot. EOT File Dispositive Mot.

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1 additional time to prepare for the dispositive motion in this case.

2 3. In addition, Defendants' counsel has yet to receive requested documents that will be
3 necessary to support Defendants' anticipated dispositive motion. When the documents do arrive,
4 more time may be required to obtain declarations in support of the anticipated dispositive
5 motion. Counsel therefore respectfully requests an extension of time for an additional sixty days
6 in which to file a dispositive motion, so that it must be filed on or before March 31, 2008 rather
7 than January 31, 2008.

8 4. This request for an extension of time is not made for the purpose of harassment, undue
9 delay, or any improper reason. Granting this time extension will not otherwise affect the case
10 schedule because this extension concerns Defendants' first dispositive motion, and no other case-
11 related dates have been set. Defendants have made no other requests for an extension of time in
12 this case.

13 5. Plaintiff is confined in state prison and cannot easily be contacted concerning an
14 extension of time. In addition, because it is difficult to deliver a copy of this motion to Plaintiff
15 the same day it is filed, Defendants are serving the motion on Plaintiff by overnight mail.

16 I declare under penalty of perjury that I have read this document, and its contents are true of
17 my own knowledge, except as to matters stated upon information, which I believe are true.

18 Executed on January 29, 2008 at San Francisco, California.

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21 Kenneth T. Roost

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